

Serial No.: 09/662,501

REMARKS

Claims 1-11 remain pending in the application. Claims 1 and 3 are amended herein. Favorable reconsideration of the application is respectfully requested.

I. TELEPHONE INTERVIEW

Applicants initially would like to thank the Examiner for taking the time to conduct an interview with the applicants' undersigned representative back in September. During the interview, claims 1 and 3 were discussed in view of Kato et al. Although no agreement was reached regarding patentability, the Examiner's comments were very helpful in pointing out possible sources of misunderstanding. Applicants have amended claims 1 and 3 as noted above and discussed below in order to specifically address any possible misunderstandings. Again, applicants are very appreciative of the Examiner's time.

II. ALLOWABLE SUBJECT MATTER

Applicants also again note with appreciation the allowance of claims 2, 6 and 10, together with the noted allowability of claim 4 subject to being amended to Independent form.

III. REJECTION OF CLAIMS 1, 3, 5, 7-9 AND 11 UNDER 35 USC §102(b)

Claims 1, 3, 5, 7-9 and 11 remain rejected under 35 USC §102(b) based on *Kato et al.* Applicants respectfully request withdrawal of the rejection for at least the following reasons.

Claim 1 has been amended to express more clearly the feature of the facsimile memory in relation to the complex image processing apparatus in accordance with the present invention. As recited in claim 1, the complex image apparatus includes "a memory for facsimile available for receiving facsimile data in the facsimile mode". In addition, the apparatus includes a memory for other modes available in the other modes.

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Moreover, claim 1 has been amended to expressly recite how the memory control means performs control in the facsimile mode. Specifically, in the facsimile mode image information previously received and stored in the memory for facsimile is rearranged in order that at least part of the image information previously received and stored in the memory for facsimile is transferred to either or both of the memories for the other modes in the case where predetermined conditions are satisfied, only after the at least part of the image information was first received and stored in the memory for facsimile, and facsimile data continues to be received by the memory for facsimile. Support for such amendment is found, for example, in the present application at page 35, line 24 to page 36, line 17, and at page 37, lines 6-10.

In the present invention, as clarified in the above amendment to claim 1, image information previously stored in a memory for facsimile is rearranged, and the rearranged image information is transferred to the memories for the other modes. This enables securing a predetermined volume of free space. Accordingly, facsimile data is received at all times by the memory for facsimile.

In *Kato et al.*, to the contrary, when the facsimile priority mode has been set, the facsimile memory (voice/image storing area 15a or image memory 19) is full and the PC memory (external storage device) is not full, the data inputted to the facsimile machine 1 from apparatuses other than the personal computer 2 is stored in the PC memory. That is, in *Kato et al.*, the image data which cannot be stored in the facsimile memory is sent to the PC memory for storage.

Kato et al. does not teach or suggest that image data which has temporarily been stored in the facsimile memory is transferred to the PC memory. The reason why the image data is sent to the PC memory instead is that the image data cannot be stored in the facsimile memory due to the facsimile memory being full. *Kato et al.* simply is not directed to essentially continuously storing image data by securing a predetermined volume of free space in the facsimile memory in accordance with the present invention. (See, e.g., *Kato et al.*, Col. 8, ln. 60 to Col. 9, ln. 14, and Col. 9, ln. 49 to Col. 10, ln. 21).

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As a result, *Kato et al.* neither teaches nor suggests a complex image processing apparatus as set forth in amended claim 1. Withdrawal of the rejection of claim 1 together with the claims dependent therefrom is respectfully requested.

IV. CONCLUSION

Accordingly, all claims are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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